

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CAROL J. HOWARD,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:11CV205
(Judge Keeley)

MARTIN HOWE, ADAM BARBERIO,
RALPH PETERSON, and FRANK FERRARI,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On December 22, 2011, the pro se plaintiff, Carol J. Howard ("Howard"), filed a complaint that purported to allege that defendants Martin Howe, Adam Barberio, Ralph Peterson, and Frank Ferrari (collectively "the defendants") had violated her civil rights. In accordance with L.R. Civ. P. 72.01(d)(6), the Court referred this matter to United States Magistrate Judge John S. Kaull who, on April 25, 2012, notified Howard that this action would be dismissed unless she rectified the deficiencies in her complaint. He also ordered her to file an amended complaint in compliance with Fed. R. Civ. P. 8(a) within thirty (30) days. To date, Howard has not amended her complaint.

On June 1, 2012, Magistrate Judge Kaull issued an Opinion and Report and Recommendation ("R&R"), in which he recommended that this action be dismissed without prejudice because Howard had failed to amend her complaint in compliance with Fed. R. Civ. P. 8, and had not otherwise kept the Court apprised of her current

ORDER ADOPTING REPORT AND RECOMMENDATION

mailing address.¹ The R&R also specifically warned Howard that her failure to object to the recommendation would result in the waiver of any appellate rights she might otherwise have on this issue. She did not file any objections.² Finding no clear error, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 11), **DISMISSES** this case **WITHOUT PREJUDICE**, and **ORDERS** that it be stricken from the Court's docket.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se plaintiff, certified mail, return receipt requested.

Dated: October 4, 2012.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The Clerk provided Howard with Notice of General Guidelines For Appearing Pro Se in Federal Court on December 22, 2011. (Dkt. No. 3). The Notice directed Howard to keep the Court and opposing counsel, if any, advised of her most current address at all times, and warned explicitly that "Failure to do so may result in your action being dismissed without prejudice." Nevertheless, several documents sent to Howard at the sole address for her on file, including the R&R itself, have returned as "undeliverable."

² The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).